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Attorneys for Plaintiff  
United States of America

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAR 03 2004  
at 2 o'clock and 18 min. P.M.  
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00502 SOM
	)	
Plaintiff,	)	FIRST SUPERSEDING INDICTMENT
	)	
vs.	)	[21 U.S.C. §841(a)(1); 21
	)	U.S.C. § 853]
MICHAEL TRENT BARNES,	)	
	)	
Defendant.	)	
_____	)	

**FIRST SUPERSEDING INDICTMENT**

COUNT 1

The Grand Jury charges that:

On or about October 4, 2003, in the District of Hawaii,  
Defendant MICHAEL TRENT BARNES knowingly and intentionally  
manufactured marijuana, to wit: the cultivation of one thousand  
(1000) or more marijuana plants, a Schedule I controlled  
substance,

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 2

The Grand Jury further charges that:

On or about October 4, 2003, in the District of Hawaii, Defendant MICHAEL TRENT BARNES knowingly and intentionally possessed a quantity of marijuana with intent to distribute.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 3

The Grand Jury further charges that:

As a result of committing one or more of the offenses alleged in Counts 1 and 2 of this Indictment, Defendant MICHAEL TRENT BARNES shall forfeit to the United States, pursuant to 21 U.S.C. §853 any and all property constituting, or derived from, any proceeds which Defendant MICHAEL TRENT BARNES obtained, directly or indirectly, as the result of such offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses, including but not limited to:

All of those certain parcels of land situate at Keaau, District of Puna, Island and County of Hawaii, described as Tax Map Key Numbers (3)1-6-015-012, (3)1-6-015-29 and (3)1-6-015-010 and all appurtenances and improvements thereto;

If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or has been commingled with other property which cannot be subdivided without difficulty;

It is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

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All in violation of Title 21 United States Code,  
Section 853(p).


DATED: March 3, 2004, at Honolulu, Hawaii.

A TRUE BILL.

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GRAND JURY FOREPERSON

EDWARD H. KUBO, JR.  
United States Attorney

  
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FLORENCE T. NAKAKUNI  
Chief, Narcotics Section

  
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BEVERLY WEE SAMESHIMA  
Assistant U.S. Attorney

USA v. Michael Trent Barnes  
Cr. No. 03-00502 SOM  
"First Superseding Indictment"